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**STIP**  
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*Counsel for Plaintiff, Financial  
 Pacific Insurance Company*

**IN THE UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

FINANCIAL PACIFIC INSURANCE ) Case No.: 3:10-cv-00707-RCJ-VPC  
 COMPANY, a California corporation, )

Plaintiff, )

vs. )

CRUZ EXCAVATING, INC., dba ZEPHYR )  
 COMPANIES, INC., a Nevada corporation; )  
 SCOTT D. FREIDUS, individually; NAOMI )  
 FREIDUS, individually; VINCE SCOTT, )  
 individually; JOHN W. ZERWECK, )  
 individually; ZECAN PARTNERS, LLC, a )  
 Nevada limited liability company; SCOTT )  
 PROPERTIES AT TAHOE, a Nevada )  
 corporation; DOES I through XX, inclusive and )  
 ROE CORPORATIONS I through XX, )  
 inclusive, )

Defendants )

**STIPULATION AND ORDER FOR DISMISSAL WITHOUT PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED, by and between Plaintiff, Financial Pacific Insurance Company, a California Corporation by its counsel, Keith E. Gregory, Esq. of the law firm Keith E. Gregory & Associates, and Defendants, Cruz Excavating, Inc., dba Zephyr Companies, Inc, a Nevada Corporation, Scott D. Freidus, individually, Naomi Freidus, individually, John W. Zerweck, individually, Zecan Partners, LLC, a Nevada Limited Liability Company, Vince Scott, individually and Scott Properties at Tahoe, a Nevada Corporation by their counsel Devon T. Reese, Esq. of the Law Firm of Reese Kintz, LLC, that this case be dismissed without prejudice, each party to bear their own costs and attorney fees.

1 This Court is to reserve jurisdiction of this case to enforce the terms and conditions of the  
2 Confession and Stipulation of Judgment and Order dated on November 29, 2011, and Addendum  
3 dated January 21, 2013.

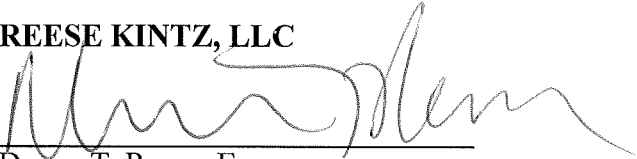
4 DATED this 28<sup>th</sup> day of January, 2013.

5 **KEITH E. GREGORY & ASSOCIATES**

6   
7 Keith E. Gregory, Esq.  
8 Nevada State Bar No. 0232  
9 631 South 10<sup>th</sup> Street  
10 Las Vegas, Nevada 89101  
11 Telephone (702) 382-3636  
12 Facsimile (702) 382-5400  
13 keith@gregory-law.com  
14 *Counsel for Plaintiff, Financial Pacific*  
15 *Insurance Company*

16 DATED this 24 day of January, 2013.

17 **REESE KINTZ, LLC**

18   
19 Devon T. Reese, Esq.  
20 Nevada State Bar No. 7496  
21 936 Southwood Blvd., Suite 301  
22 Incline Village, NV 89451  
23 *Counsel for Defendants Cruz Excavating, Inc.,*  
24 *dba Zephyr Companies, Inc., a Nevada Corporation;*  
25 *Scott D. Freidus, individually; Naomi Freidus,*  
26 *individually; Vince Scott, individually; John W.*  
27 *Zerweck, individually; Zecan Partners, LLC, a*  
28 *Nevada Limited Liability Company; and Scott*  
*Properties at Tahoe, a Nevada Corporation*

23 **ORDER**

24 BASED UPON THE FOREGOING STIPULATION and good cause appearing therefore,  
25 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED Defendants Cruz  
26 Excavating, Inc., dba Zephyr Companies, Inc, a Nevada Corporation, Scott D. Freidus,  
27 individually, Naomi Freidus, individually, John W. Zerweck, individually and Zecan Partners,  
28 LLC, a Nevada Limited Liability Company, Vince Scott, individually, and Scott Properties at

1 Tahoe, a Nevada Corporation, be dismissed, without prejudice, with each party to bear their own  
2 costs and attorneys fees.

3 IT IS FURTHER STIPULATED AND AGREED this Court will reserve jurisdiction to  
4 enforce the terms and conditions of the Confession and Stipulation to Judgment and Order filed  
5 on November 29, 2011 and Addendum dated January 21, 2013.

6 DATED this 20th day of February, 2013.

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9 ROBERT C. JONES,  
10 U.S. DISTRICT COURT JUDGE  
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